

REMARKS

These remarks are responsive to the Office Action dated April 17, 2008. Currently claims 32, 33, 38-66, and 69-71 are pending with claims 32, 38-41, 60, 61, and 71 being independent. Claims 1-31, 34-37, and 67-68 have been previously cancelled without prejudice or disclaimer. Claims 61 and 71 are withdrawn from consideration.

35 U.S.C. 103

In the April 17, 2008 Office Action, the Examiner rejected claims 32-33, 38-60, 62-66 and 69-70 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,804 to Dietzman (hereinafter, "Dietzman") in view of U.S. Patent Publication No. 2007/0192287 to Rothwein et al. (hereinafter, "Rothwein"). This rejection is respectfully traversed.

Claim 41 recites, *inter alia*, a computerized method for managing taxonomic information to facilitate retrieval of information including providing a database including: a names table in which each entry associates a character string with a name identifier; a taxon table in which each entry associates a name identifier with a taxon identifier; and a database of classifications that accommodates alternative classifications, the database including: a reference table in which each entry associates a classification identifier with a taxon that represents the root of the classification; and a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier; identifying a name that specifies an organism; based on the name and the database of classifications, determining a classification for the organism; and retrieving information based on at least the name.

In the April 17, 2008 Office Action, the Examiner stated that Dietzman discloses all elements of claim 41 except that it does not disclose the steps of:

a reference table in which each entry associates a classification identifier with a taxon that represents the root of the classification; and

a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier;

identifying a name that specifies an organism;

based on the name and the database of classifications, determining a classification for the organism; and

retrieving information based on at least the name.” (Office Action, page 4).

The Examiner further stated that Rothwein teaches these steps and that “[a]lthough Rothwein does not have the exact claimed elements such as reference table, classification table, and taxon identifier, etc....it is submitted that these terms are merely nonfunctional descriptive material and is not functionally involved in the recited claims.” (Office Action, pages 5-6). The Examiner further alleged that “Dietzman and Rothwein in combination would have provided the structure and functionally interrelationship to achieve the claimed invention.” (Office Action, page 6). Applicants respectfully disagree and traverse this rejection.

According to MPEP 2143:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis supplied).

As understood by Applicants, Dietzman relates to an integrated computer database system for the processing of information on natural product chemistry, biological activity, and biodiversity to enable creation of custom taxonomic schemes, etc. (Dietzman, Col. 1, lines 10-13). The system includes means for processing natural products images and correlating the natural products images with the natural products data. (Dietzman, Col. 3, lines 11-12). Further,

Dietzman means for correlating natural products data and natural products images with remote databases form correlated data storage in the memory. (Dietzman, Col. 3, lines 12-16). Additionally, the correlating means correlate remote databases based on either a genus species identification, chemical abstracts registry number or the national oceanographic data center taxonomic code or serial number. (Dietzman, Col. 3, lines 41-45). Dietzman discloses a natural products information system (“NAPIS”) that includes a phylogenetic structure database engine (“PSDE”) that provides structure to genus species lists that are obtained from outside sources and incorporates multiple classification schemes, where NAPIS uses linkage on genus species name, chemical abstracts registry number, or the national oceanographic data center taxonomic code. (Dietzman, Col. 6, lines 20-61).

However, Dietzman fails to disclose a database of classifications that accommodates alternative classifications that includes a reference table and a classification table, as recited in claim 41. Dietzman further fails to disclose the present invention’s method of managing taxonomic information to facilitate retrieval of information, as recited in claim 1. The method of the present invention is configured to retrieve information based on the name specifying an organism, where based on the name and database of classifications, a classification for an organism is determined. Classification for the organism is determined from the database of classification that includes two tables: a reference table that associates a classification identifier with a taxon representing a root of classification and a classification table that associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier. The taxon identifier is associated with a name identifier using a taxon table, where the names table associates name identifiers with character strings, as recited in claim 41. Thus, each element in claim 41 is not a “merely nonfunctional descriptive material”. In contrast, each element

provides a linkage between other elements in retrieval of information. As such, contrary to the Examiner's suggestion, each element is "functionally involved in the recited claims". Dietzman fails to provide such functional structure. Instead, it simply describes a system where natural products images are associated with natural products data. Dietzman fails to provide any description as to how its NAPIS system or PSDE engine are able to identify that genus "Xestospongia" is classified in four different ways, except that it states that it includes "standard checklists" based on taxonomic code that provides interface to commercial databases linkage of genus-species names. (Dietzman, Col. 21, lines 35-39). Hence, Dietzman fails to disclose, teach or suggest the step of providing a database, as recited in claim 41, in addition to present invention's steps of identifying a name that specifies an organism, based on the name and the database of classifications, determining a classification for the organism, and retrieving information based on at least the name, as agreed to by the Examiner. Hence, Dietzman fails to disclose all elements of claim 41, and claim 41 should be allowed.

Rothwein fails to cure the deficiencies of Dietzman. As understood by Applicants, Rothwein discloses hierarchical class architecture of objects. (Rothwein, Abstract). Rothwein further describes a system each specific object is identified with specific attributes, for example, object "ABC" has a motor of "inline 6", color "blue", wheels "13 inch", transmission "automatic", etc.. (Rothwein, page 3, Table 4). Each object ABC will be identified as having one specific attribute in the above categories, where attributes are drawn from specific domains. (Rothwein, page 4, Table 7). Rothwein does not present any alternative attributes to its objects. Hence, Rothwein fails to disclose a database of classifications that accommodates alternative classifications, which includes a reference table and a classification table, as recited in claim 41. And as such, Rothwein cannot determine a classification for an organism based on the name and

the database of classifications, contrary to the recitation of claim 41. Rothwein presents an unintelligent system of retaining detailed information about objects, such as vehicles. This is in contrast to the present invention, where objects are identified through names tables, taxon tables, and classified using classification tables, as recited in claim 41. As such, Rothwein fails to disclose all elements of claim 41, and claim 41 should be allowed.

Applicants further respectfully disagree that one having ordinary skill in the art would have combined Dietzman and Rothwein to yield predictable results. Even though both references relate to some form of hierarchical organizational structure, neither of the references disclose classifications and retrieval of information based on names and classifications, as recited in claim 41. The combination of Dietzman and Rothwein results in a system that links natural product images with product data that includes product attributes, however, it fails to provide present invention's classification and/or alternative classification and retrieval of information based on that. Hence, Dietzman, Rothwein, or their combination fail to disclose, teach or suggest all elements of claim 41.

Thus, the combination of Dietzman and Rothwein does not render claim 41 obvious. As such, this rejection is respectfully traversed. The Examiner is requested to reconsider and withdraw her rejection of claim 41.

Claims 32-33, 38-40, 42-60, 62-66, and 69-70 are patentable over the combination of Dietzman and Rothwein for at least the reasons stated above with respect to claim 41. Thus, the rejections of claims 32-33, 38-40, 42-60, 62-66, and 69-70 are respectfully traversed. The Examiner is requested to reconsider and withdraw her rejections of claims 32-33, 38-40, 42-60, 62-66, and 69-70.

CONCLUSION


No new matter has been added.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

It is believed that no other fees are due in connection with filing this Response. In the event that it is determined that fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311, Attorney Docket No. 24443-501-UTIL.

Respectfully submitted,

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